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opinion

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CONCORD, N.H.

His Excellency, the Governor
State House
Concord, New Hampshire

Dear Governor Dwinell:

You have inquired concerning the authority of the Governor and Council in respect to recommendations of the special committee created by provision of Laws 1957, c. 274, s. 11, specifically whether the Governor and Council under the authority of sections 11 and 12 of said chapter are authorized to deviate from recommendations of the special committee.

In my opinion the committee is required by the statute to make recommendations to the Personnel Commission and to the Governor and Council in respect to the work week in various departments.

The Governor and Council are authorized to take such action as "is necessary" to carry out the recommendations of the committee but this authority is not a directive to act if in the opinion of the Governor and Council upon review thereof a recommendation[s] is [are] not "necessary".

Thus the powers of the Governor and Council in respect to recommendations of the special committee are to withhold action to implement same (in effect, disapproval) but not to originate nor alter recommendations made. The Governor and Council are authorized to change the personnel rules to put into effect the recommendations of the special committee or to refuse to take such action.

Respectfully,

Louis C. Wyman
Attorney General